

REMARKS

This Amendment is in response to the Office Action mailed July 13, 2005. That action set a one-month term (to August 13, 2005) for correcting the language of the specification. An Amendment making those corrections was submitted August 12, 2005, to the U.S. Patent Office. A second term of three months (to October 13, 2005) has been set for applicants' response to the remainder of that Action. This Supplemental Amendment comprises applicants' response to the remaining comments in the Action of July 13, 2005. All the Examiner's comments in the Action have been carefully considered.

In the aforementioned Office Action the Examiner has objected to the specification, indicating, by way of example, that the description of Figure 3 is not understood.

During a telephone conversation with the Examiner on August 10, 2005, the undersigned attorney for applicant discussed the specification. This will confirm that Figure 3 in the subject application is only a frequency allocation chart for broadcast and cable channels in North America of the type that is readily available from numerous reference sources. In fact, most of the information in this chart is also included in Figure 4 of U.S. Patent No. 4,479,214 to Sakikibara et al., cited by the Examiner, and a patent issued to the same assignee as the assignee of the subject application.

During the telephone conference, the Examiner indicated that, in fact, the description that was not understood was the description of the three frequency ranges recited in the claims. It was pointed out that these three frequency ranges are more accurately associated with Figs. 4 and 5 of the subject application, and the Examiner is respectfully requested to reconsider and withdrawn the subject objection after considering the amendments to the specification. More specifically, the Examiner's attention is respectfully directed to the second full paragraph on page 6 of the specification (as amended) and the first full paragraph on page 7 of the specification (as amended). Fig. 3 has been labeled "PRIOR ART" and Fig. 5 has been labeled to clarify the relevant frequency ranges.

In the subject application, referring to Figs. 4 and 5, the nature of the TV channels is determined by counting receivable channels. Typically, such channels are spaced 6 MHz apart. However, it sometimes occurs that there are “image,” “ghost” or spurious center frequencies that appear in a given band that are not truly a part of the band. In the example given, a TV broadcast center frequency may appear within the cable band frequencies. When this occurs, such image, “ghost” or spurious channels typically appear approximately + 2 MHz from the center frequencies of interest. As indicated in Fig. 5, therefore, a blocking filter is provided about such spurious center frequencies spaced 2 MHz from frequencies of interest by excluding the frequency ranges of \pm 200 kHz that exist about such spurious “ghosts” or image carriers. Now, since the apparatus and method are based on counting channels within such \pm 200 kHz ranges or bands, any signals that appears within such “blocked” bands are not counted and, therefore, do not contribute to an erroneous result.

These latter, “blocked,” frequency ranges are denominated “third” frequency ranges in the claims. The first frequency ranges are the \pm 200 kHz ranges about the “CATV center frequency” shown in Fig. 5, while the second frequency ranges are the bands or frequencies between a channel center frequency and an image, spurious or “ghost” frequency positioned + 2 MHz. The second frequency ranges always are approximately + 2 MHz, because it is at that frequency shift that the erroneous or undesirable channels may appear.

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the objections to the specification. This application appears to be in better condition for examination and allowance of all the claims of record is requested.

The Examiner has rejected claims 4-7, 10, 12 and 15-16 under 35 U.S.C. 112, 2nd paragraph, as being indefinite “for failing to particularly point out and distinctly claim … the invention.” Further it is stated that “The recitation is unclear and the specification does not define the scope of the claims.”

Applicants have carefully reviewed the language of the specification and of the claims and have amended it to clarify the subject matter of this invention. It is believed that the specification and claims, as amended, overcome the rejection on the basis of indefiniteness, and it is requested that the Examiner withdrawn this rejection.

The Examiner rejects claims 1, 9 and 11 under 103(a) as being unpatentable over U.S. Patent No. 6,038,433 to Vegt in view of U.S. Patent No. 5,479,214 to Sakakibara et al. The Examiner goes on to reject claims 2 and 13 under 35 U.S.C. 103(a) as being unpatentable over Vegt over Sakakibara as applied to claim 1 in the previous argument, and further in view of U.S. Patent No. 4,594,611 to Sugabayashi et al. The Examiner states that although Vegt and Sakakibara disclose all the limits of claim 1, they do not disclose the second frequency range as being approximately \pm 200 kHz around the center frequency. Sugabayashi discloses a second frequency range of approximately 200 kHz or \pm 240 kHz. In relation to claim 13, the Examiner feels that Vegt and Sakakibara, again, disclose all the limitations of claim 1 but do not disclose that the first frequency range is one of approximate \pm 2 MHz around the center frequency. This, according to the Examiner, Sugabayashi discloses (column 1, lines 6-19). As to claim 14, the Examiner sees Vegt and Sakakibara as disclosing the limitations of claim 2 but not that the first frequency range is approximately \pm 2 MHz around the center frequency. However, the Examiner claims that Sugabayashi does so (column3, lines 6-19).

Applicant respectfully traverses the aforementioned prior rejections, particularly in light of the amendments that have been made herein. None of the prior art references, singly or in combination, discloses or suggests a receiver or method for conducting searches within a first frequency range to register received data into a memory and for counting the number of receivable channels to determine whether the channels are within a television broadcast channel plan or within a CATV broadcast channel plan. The subject invention does so by sending out a second frequency, one that is narrower and within the first frequency range, and determining whether the channels are within the television

**U.S. Patent Application of Morisada et al., Serial No.: 09/842,258
Amendment in response to July 13, 2005 Action, Art Unit: 2617**

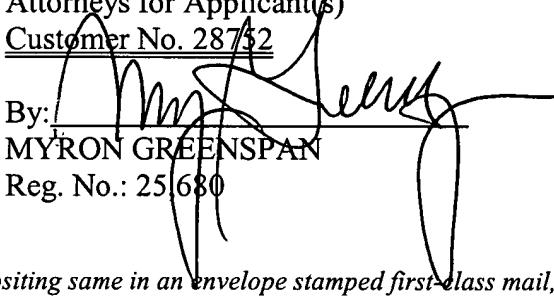
broadcast or with a CATV broadcast by counting the number of received channels in the second frequency range. It is respectfully submitted that the prior art of record fails to teach or render obvious the subject matter recited in the amended claims submitted herewith. In view of such amendments, the Examiner is respectfully requested to reconsider the outstanding prior art rejections and withdraw the same.

This application is believed to be in condition for allowance. Early allowance and issuance is accordingly respectfully solicited.

Applicant hereby petitions that any and all extensions of time of the term necessary to render this response timely be granted. COSTS FOR SUCH EXTENSION(S) AND/OR ANY OTHER FEE DUE WITH THIS FEE DUE WITH THIS PAPER THAT ARE NOT FULLY COVERED BY AN ENCLOSED CHECK MAY BE CHARGED TO DEPOSIT ACCOUNT #10-0100.

Date: October 12, 2005
Lackenbach Siegel LLP
One Chase Road
Scarsdale, NY 10583
Telephone: 914 723 4300

MG/as

Respectfully submitted,
LACKENBACH SIEGEL LLP
Attorneys for Applicant(s)
Customer No. 28752
By: 
MYRON GREENSPAN
Reg. No.: 25 680

Certificate of Deposit by Mail

I hereby certify that this correspondence is being filed by depositing same in an envelope stamped first-class mail, addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, in a duly marked U.S. Postal Service drop box, with appropriate postage, on the following date:

Myron Greenspan
Name
Myron Greenspan
Signature
October 12, 2005
Date

IN THE DRAWINGS:

Please amend Figures 3 and 5 as marked in red on the sheets attached to this Amendment.